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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon.
v. : Criminal No. 2007-942 (FSH)
NILSON RIBEIRO : 18 U.S.C. §§ 1832 and 2

INDICTMENT

The Grand Jury, in and for the District of New Jersey, sitting in Newark, charges:

Introduction

1. At all times relevant to this Indictment Atlas Refinery, Inc. ("Atlas"), was a company located in Newark, New Jersey that was engaged in the production of goods produced for and placed in interstate and foreign commerce.

2. Atlas was founded in 1887 and is a family-owned producer and marketer of wet-end specialty chemicals, known as fatliquors, and related chemical products to the world-wide leather industry and major specialty chemical industry firms. These chemicals are used by leather tanners in the production of leather. At all times relevant to this Indictment, Atlas produced a number of chemicals using its own formulas and processes which it sold world-wide to companies that manufacture leather.

3. The chemicals manufactured and sold by Atlas are combinations of various raw ingredients. The raw ingredients are mixed together in proprietary formulas for set times and at set temperatures in large vats designed for this purpose. Because Atlas manufactures many different chemicals in different quantities as the need arises, the chemical formulas and the processes for mixing and "cooking" the raw materials are

written down on paper "batch sheets" for the use of Atlas employees as they prepare the chemicals. These formulas and the processes used to manufacture the chemicals are not available to the general public or customers of Atlas and are trade secrets of Atlas.

4. Pursuant to applicable federal and state law, Atlas provided its employees with material safety data sheets which advise workers of the potential risks of the chemicals with which they are working. While these sheets do not contain the formulas and processes they do list specific chemicals used by Atlas in its manufacturing process.

5. Atlas, as part of its marketing effort, produced binders containing what are known as specification sheets. These sheets do not contain trade secrets, but they do contain general descriptions of Atlas' products, their ingredients and their various uses.

6. During the manufacturing process, Atlas generally tested a sample of the particular product in its own laboratory to ensure that the finished product meets its standards and contains the correct percentages of ingredients. These samples were generally taken from one of the large vats in small jars to the laboratory to be tested.

The Theft of Atlas Trade Secrets

7. Defendant NILSON RIBEIRO was employed, among other things, as assistant operator at Atlas from on or about October 11, 2002, through on or about September 2, 2004. As an assistant operator, defendant NILSON RIBEIRO had access to areas where the written formulas and processes were kept. Defendant NILSON RIBEIRO was also responsible for bringing sample jars of chemicals to the laboratory for testing.

8. At all times relevant to this Indictment, defendant NILSON RIBEIRO was a native of Brazil.

9. At all times relevant to this Indictment, and as part of its efforts to protect its trade secrets, Atlas required its employees to execute a memorandum of understanding stating that the employee "will not, without the Employer's consent, either during his term of employment or thereafter, divulge to others any information not already known to the public relating to the equipment, material, know how, trade secrets, formulae, processes, procedures, inventions, sales techniques, accounts, customers and products of Atlas." On or about May 11, 2004, Ribeiro signed this confidentiality agreement.

10. At all times relevant to this Indictment, employees of Atlas were not permitted to remove batch sheets, sample jars containing products, the formulas or processes for producing Atlas' products from company premises.

11. From at least as early as April 2004 through in or about September 2004, defendant NILSON RIBEIRO improperly copied and stole Atlas product formulas, including fatliquor formulas, and processes so that he could move to Brazil in order to open a business to manufacture and sell the chemicals or to sell the formulas and processes to another company.

12. Between in or about June 2004 and September 2004, defendant NILSON RIBEIRO kept Atlas trade secrets including formulas and processes, and other materials, including batch sheets, material safety data sheets, and binders containing specifications of various Atlas products and jars containing samples of various chemicals stolen from Atlas at his residence in Newark, New Jersey.

13. From in or about June 2004 and in or about September 2004, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

NILSON RIBEIRO,

with intent to convert a trade secret that was related to and included in a product that was produced for and placed in interstate or foreign commerce, to the economic benefit of anyone other than the owner thereof, and intending and knowing that the offense would injure any owner of that trade secret, did knowingly and willfully –

- (1) steal and without authorization appropriate, take, carry away, and conceal, and by fraud, artifice, and deception obtain such information;
- (2) without authorization copy, duplicate, sketch, draw, photograph, download, upload, alter, destroy, photocopy, replicate, transmit, deliver, send, mail, communicate, and convey such information;
- (3) receive and possess such information, knowing the same to have been stolen and appropriated, obtained, and converted without authorization; and
- (4) attempt to commit the offenses described in paragraphs (1) through (3).

In violation of Title 18, United States Code, Section 1832(a) and Section 2.

A TRUE BILL


CHRISTOPHER J. CHRISTIE
UNITED STATES ATTORNEY

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NILSON RIBEIRO

INDICTMENT FOR

18 U.S.C. §§ 1832 and 2

A True Bill,

CHRISTOPHER J. CHRISTIE

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